IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

CRL.A.No. 1038 of 2002()

S.T.NO.2696/99 ON THE FILE OF THE JUDICIAL IST CLASS MAGISTRATE COURT, TRICHUR.

APPELLANT: COMPLAINANT

P.R.BALAN, AGED 76 S/O. RAVUNNI,
PARAMEL HOUSE, CHITTILAPPILLY DESOM,
DO. VILLAGE, DIRECTOR VIMALANANTHA CHITTIES (P)LTD
TRICHUR.

BY ADV. SRI.M.RAVIKUMAR

RESPONDENTS: ACCUSED & STATE

---

1. T.B.SUGATHAN, AGED 51,
S/O. BALAKRISHNAN, PROPRIETOR THACHAKULAM
GLASS COMPANY, TRICHUR RESIDING IN THACHAKULAM
HOUSE, MARAVANCHERY DESOM, CHENGALLUR VILLAGE,
TRISSUR TALUK.

2. STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR.

BY ADV. SRI.M.C.JOHN FOR R1
P.P.SRI.C.K.SURESH FOR R2

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. Thankappan, J.

- -

Crl.A.No. 1038 of 2002

- -

Dated this the th 31st day of May, 2007

JUDGMENT

This is an appeal filed against the acquittal order passed in S.T. No. 2696/99 on the file of the Judicial Magistrate of the First Class-I, Thrissur. By the impugned judgment the trial court acquitted the respondent on the ground that the appellant failed to establish that Ext.P6 cheque was issued in discharge of a debt or legally enforceable liability. The above finding is challenged in this appeal. During the pendency of the appeal, it is submitted that the case has been settled out of court. When the case came up for hearing today, learned counsel for the appellant submits that there is no intimation from the appellant. The learned counsel for the respondent submits that a compromise has been arrived at between the appellant and the respondent and he has produced a receipt to support his submission.

2. In the above circumstances, this Court takes an independent view and accept the submission of the learned counsel for the respondent that the matter has been settled out of court. Hence, the appeal stands dismissed confirming the judgment of the trial court. The receipt is treated as part of the records.

K.Thankappan,
Judge.

mn.

K. Thankappan, J.

- - - - - - - - - - - - - - - - -

Crl.A.No. 1038 /2002

- - - - - - - - - - - - - - - - -

Judgment

31-5-2007